

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF PUERTO RICO**

**MIGUEL A. RIVERA-SANTIAGO**  
**Petitioner-Appellant**

**v.**

**UNITED STATES OF AMERICA**  
**Respondent-Appellee**

**Cv. 97-1557(RLA)**

**POST-STATUS CONFERENCE OMNIBUS MOTION REQUESTING PRODUCTION  
OF PETITIONER IN THE DISTRICT, BRIEFING CALENDAR AND FURTHER  
STATUS CONFERENCE AND EVIDENTIARY HEARING IN THE STRICT  
COMPLIANCE WITH 06/25/04 PER CURIAM BY THE FIRST CIRCUIT**

**TO THE HONORABLE COURT  
HONORABLE RAYMOND L. ACOSTA,  
SENIOR U.S. DISTRICT JUDGE:**

Comes now the defendant, Miguel A. Rivera-Santiago, by the undersigned counsel, and very respectfully states, informs, and prays as follows:

1. On June 25, 2004, the Court of Appeals for the First Circuit entered a Per Curiam as to petitioner-appellant Miguel A. Rivera-Santiago in reference to his allegations of a conflict of interest arising from the defense attorney's fee arrangement and appellant's counsel failing to relay the government's plea offer to him. The Honorable Court ruled - inter alia- for the District Court

to treat this long-pending petition as a matter of urgency, to be resolved promptly, and suggesting to the lower District Court to appoint counsel, where legal questions could be addressed.

On July 16, 2004, this Honorable Court appointed the undersigned counsel pursuant the Criminal Justice Act (CJA), 18 U.S.C. 3006A. The Clerk of the U.S. District Court was instructed to assist and to photocopy any relevant documents from both files, Cr. 91-397(RLA) and Cv. 97-1557(RLA), as well as No. 02-2458, Court of Appeals for the First Circuit. Travel expenses were authorized for the undersigned counsel to visit the petitioner-appellant at FCI Allenwood, Pa., and to appear on August 27, 2004 for a status conference.

The undersigned counsel has been very committed in the plea disposition of Cr. 03-135-10(HL) ( change of plea in the Ñeta prison gang indictment); Cr. 03-188-04(SEC) (Juncos drug gang, one of four (4) indictments); and Cr. 04-134(SEC)(after F.P.D. withdrawal of counsel). A trial date is set for 10/12/04 in Cr. 04-195(PG) and 11/10/04 in Cr. 02-377-06(DRD). Additionally, the undersigned counsel has committed dozens of hours in the Clerk's Office, U.S. District Court, reviewing the court files in Cr. 91-397(RLA), Cv. 97-1557(RLA) and No. 02-2458 (First Circuit), as well as all the petitioner-appellant's files in possession of his sister Mercedes. The undersigned counsel also traveled to FCI Allenwood, Pa., on 8/25-26/04, when he was able to meet petitioner-appellant for approximately ten (10) hours.

Work with petitioner-appellant Rivera-Santiago must continue and, therefore, his production at MDC - Guaynabo, is necessary. The undersigned counsel needs as well to review carefully every 2255 pleading, responses and rulings by both the U.S. District Court and the Court of Appeals, as well as to review the applicable case law.

THEREFORE, for all the above-stated reasons, the defendant-appellant respectfully requests the Honorable Court, Honorable Raymond L. Acosta, Senior U.S. District Judge, the following remedies:

- a) the transfer of petitioner-appellant Miguel A. Rivera-Santiago, No.07664-069, from Med FCI Allenwood, Pa., to MDC - Guaynabo,
- b) an extension of time until 10/12/04 where the undersigned counsel may be able to flesh out the pending 2255 claims and the relevant facts, and case law,
- c) to grant until 11/15/04 for the government to respond,
- d) joint work by the parties, pursuant to Local Rules,
- e) to schedule an evidentiary hearing,
- f) any other remedy pursuant to law.

I hereby certify that today I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to Assistant U.S. Attorney Edwin Vázquez-Berrios, United States Attorney's Office, Torre Chardon, 350 Carlos Chardon St., Suite 1201, Hato Rey, PR 00918.

Respectfully submitted, in San Juan, Puerto Rico, today, August 31, 2004.

FOR COURT-APPOINTED DEFENDANT  
MIGUEL A. RIVERA-SANTIAGO

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